

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

JAMES BEDFORD ALFORD,

Plaintiff,

v.

CIV 16-0800 KBM

NANCY A BERRYHILL,  
Acting Commissioner of Social Security,

Defendant.

**ORDER DENYING RECONSIDERATION**

THIS MATTER is before the Court on a Motion filed by the pro se Plaintiff' on March 20, 2017 (*Doc. 38*) which this Court construes as a motion for reconsideration of the dismissal of this action without prejudice on March 15, 2017 (*Doc. 37*). For the reasons stated in the Court's Memorandum Opinion and Order (*Doc. 36*), Plaintiff has failed to demonstrate that this Court has subject matter jurisdiction over his claims as there has been no "final decision" as required by 42 U.S.C. § 405(g). Further, as explained in the Court's Order of October 5, 2016 (*Doc. 19*), insofar as Plaintiff seeks to assert a claim pursuant to the Federal Tort Claims Act, he has failed to demonstrate that he has exhausted administrative remedies before appearing in federal court. Again, this exhaustion requirement is jurisdictional and cannot be waived. Therefore, the Motion is not well taken and will be denied.

  
\_\_\_\_\_  
UNITED STATES CHIEF MAGISTRATE JUDGE  
Presiding by Consent